



Indiana Judicial Nominating Commission  
30 South Meridian Street  
Suite 500  
Indianapolis, IN 46204  
(317) 232-4706

**APPLICATION**  
**FOR THE**  
**INDIANA SUPREME COURT**

I. Provide your:

A. Full legal name and any former names.

Elaine Marie Becher Brown  
Elaine Elliott

B. Current home and office addresses, including email addresses and telephone numbers.

Home:

Office: Indiana Court of Appeals  
115 W. Washington Street, Suite 1270  
Indianapolis, IN 46204  
Telephone:

C. Date and place of birth.

February 8, 1954, Huntingburg, Indiana

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

Please see executed Authorization to Release Information attached as Exhibit A.

- II. Attach a recent photograph of you to the front of the original application and to Each copy of your application.

Please see photo attached to front page of application.

- III. A. State in what county you currently reside and since what date.

Marion County/Vanderburgh County, May, 2008.

- B. List all previous counties of residence, with dates.

Dubois County – May, 1954-May, 1996; December, 2003-May, 2008.  
Vanderburgh County – May, 1996-December, 2003

- C. When were you admitted to the Indiana Bar?

June 4, 1982.

- D. Are you currently on active status?

Yes.

- E. What is your attorney number?

3980-98

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Indiana University-Bloomington	August, 1973-May, 1976	B.S.
University of Evansville	August, 1972-May, 1973	

Please see transcripts as attached as Exhibit B.

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript

to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University- Bloomington	June, 1980- January, 1982	J.D.
Indiana University- Indianapolis	August, 1979- May, 1980	

Please see transcripts attached as Exhibit 2.

In 1996, I graduated from the Indiana Judicial College, which required attendance at 120 hours of courses offered by the Indiana Judicial Center.

In 1998, I became a certified civil mediator after completing the ICLEF 40-hour course. I subsequently received advanced training and have maintained my certification to present date.

I have attended numerous other courses offered by the Indiana Judicial Center, the American Bar Association, the Indiana State Bar Association, the Indiana Center for Continuing Legal Education, the SMU Dedman School of Law Appellate Judges Education Institute, and the National Foundation for Judicial Excellence over the years. I am scheduled to attend a week-long conference on dispute resolution at the National Judicial College in Reno, Nevada in October, 2010.

C. Describe any academic honors, awards, and scholarships you received and when.

I graduated as Salutatorian of my class of 118 at Forest Park High School in Ferdinand, Indiana in 1972.

I received several college scholarships, including the University of Evansville's President's Scholarship in 1972.

I was named to the Dean's List numerous times from 1972 to 1976.

I graduated With Distinction from Indiana University-Bloomington in 1976.

I received the highest class grade in Application of Social Science to Problems in Law at Indiana University Law School-Bloomington in 1980.

I received the Outstanding Young Hoosier Award from the Indiana Jaycees in 1992, statewide recognition for my civic leadership and service to my community.

I received the Distinguished Service Award from the Jasper Jaycees in 1991, an award presented annually to one individual recognizing outstanding contributions to the community.

I received Dubois County's Outstanding Republican Woman award in 1988.

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

5/8/08-present Judge, Indiana Court of Appeals, Indianapolis, Indiana.

1/1/05-5/7/08 Judge, Dubois Superior Court, Jasper, Indiana.  
I served almost three and a half years of my third non-consecutive term of this court with unlimited civil and criminal jurisdiction and a small claims division. According to the Indiana Judicial Center's Weighted Caseload Study, I handled the workload of 1.5 judges without factoring in the time spent on Drug Court and its attendant responsibilities during this time period. I administered the Court and supervised its ten employees as well as administering Drug Court and supervising its personnel.

7/1/02-12/31/04 Owner, Elaine B. Brown, Attorney at Law, A Professional Corporation, Jasper, Indiana.  
As a sole practitioner I handled a large volume of cases, primarily complex litigation including insurance defense work, construction litigation, and personal injury law, along with family law, criminal law, business law, contract law, and wills and estates.

1/1/99-6/30/02 Senior Member, Fine & Hatfield, A Professional Corporation, Attorneys, Evansville, Indiana.  
As a Senior Member of this firm I handled complex civil litigation; professional malpractice defense including medical malpractice, attorney malpractice, and architect and engineer malpractice; personal injury plaintiffs' and defense work; and family law cases.

1/1/87-12/31/98 Judge, Dubois Superior Court, Jasper, Indiana.  
I was first elected to the Superior Court bench, one of the two courts in Dubois County, at the age of 32 by defeating the Democrat incumbent who had been on the bench for ten years. I was re-elected six years later without opposition. I handled all classes of felonies and misdemeanors and all types of civil litigation. I also had exclusive jurisdiction over all small claims cases.



3/1/82-12/31/86

Associate Attorney, Thom & Demotte,  
Attorneys, Jasper, Indiana.

My practice consisted primarily of real estate law, family law, and criminal law, including the defense of serious felony cases. I also prepared wills, handled estates, and did appellate work including an oral argument before the Indiana Court of Appeals.

1983-1986

Part-time instructor, civil and criminal law,  
Vincennes University, Jasper Center, Jasper, Indiana.

I taught evening courses on the organization of the court system, its relationship with other branches of government, and elements of procedural and substantive law.

9/79-12/81

Part-time law clerk, Price & Bradley, Attorneys, Jasper,  
Indiana and Clarence E. Attorney, Dale, Indiana.

I did research for the attorneys, reviewed will and trusts, sat in on client meetings, and prepared memos for the attorneys.

8/76-5/79

Teacher, Greater Jasper Consolidated School  
Corporation, Jasper, Indiana.

I taught Fine Arts to students in Grades K through 12.

I also worked each summer during these three years at various part-time jobs including public relations work for Holiday World in Santa Claus, Indiana, and helping to manage the Christmas Lake Village Country Club. I also wrote a weekly column for a local newspaper while still in college and continuing through these three years.

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

7/1/02-12/31/04

I was a solo practitioner in Jasper, Indiana handling a large volume of cases, primarily complex litigation in state and federal courts. Areas of practice included insurance defense of tort claims, attorney malpractice defense, construction litigation, family law, personal injury law, criminal law, property law, wills and estates. The clients for whom I did work while at Fine & Hatfield requested that I continue to handle their cases. My practice also developed very quickly with new

clients and was very profitable. It was a difficult decision to give up private practice to return to the bench. However, as a judge I was certainly still very much engaged in the law with the additional roles of making decisions and resolving disputes, roles I very much enjoy.

1/1/99-7/1/02

I practiced as a Senior Member with Fine & Hatfield, a Professional Corporation in Evansville, Indiana with approximately 16 attorneys at the time. My practice involved complex litigation in state and federal courts, personal injury insurance defense, personal injury plaintiffs' litigation, medical malpractice defense, attorney malpractice defense, architects and engineers malpractice defense, family law, and civil and family law mediation. Some of the other attorneys at the firm were Tom Fitzsimmons, Dan Glass, Tom Bryan, Todd Glass, Lin Shannon, Laura Pamplin, John Robinson, Boyd Toler, Lee Baker, August Straus, David Kent, John Kreighbaum, Maria Worthington, Les Shively, and Ron Allen. I chose to leave the firm in order to open my own practice and reestablish myself in Dubois County in order to run for the trial court bench in 2004.

3/1/82-12/31/86

I practiced as an associate attorney with Thom & Demotte, a three-person firm, in Jasper, Indiana and engaged in the general practice of law including real estate law, family law, plaintiffs' personal injury work, criminal law, wills, estates, and some appellate work. Gerald Thom and James Demotte were partners.

C. Describe the extent of your jury experience, if any.

As a trial court judge, I presided over approximately 80 jury trials, primarily felony drug-related criminal trials and a mix of civil cases including personal injury and other tort litigation. In private practice, I participated in approximately eight civil personal injury and serious criminal felony, including child molesting, jury trials. I also served on a jury in a civil condemnation case prior to entering law school.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

I am into my third year as a judge on the Indiana Court of Appeals to which I was appointed in May, 2008 by Governor Mitch Daniels. I am on the Fifth

District and represent the First District of the Court. The Court of Appeals issues full, written opinions in appeals from civil and criminal trial court judgments from courts throughout the state with the exception of those cases specifically reserved for the Indiana Supreme Court. Additionally, the Court of Appeals reviews decisions and issues full, written opinions in appeals from administrative agencies, including the Department of Workforce Development, the Utility Regulatory Commission, the Worker's Compensation Board, and the Civil Rights Commission. The jurisdiction of the Court of Appeals is defined by constitutional provisions and by rules of the Supreme Court. Appeals are assigned to rotating panels of three judges, each panel having statewide jurisdiction. As there are fifteen judges on the Court and senior judges who assist the Court, I am assigned as writing judge one of every sixteen criminal cases, one of every sixteen civil cases, and one of every sixteen termination of parental rights cases. In 2008, the Court issued 2,739 majority opinions, and in 2009, 2,569 majority opinions. Since coming on the Court and through the date of this writing, I authored 325 majority opinions, 8 concurring opinions, and 30 dissenting opinions.

I presided as Judge of the Dubois Superior Court, a court of general civil and criminal jurisdiction with a small claims court division for over fifteen years. I served two terms from 1986 to 1998 and declined to seek a third term at that time, having remarried and moved out of the county. I later moved back to the county and was elected to a third term in 2004. The bulk of my time was spent presiding over criminal cases involving alcohol and other drugs. In a typical year I presided over six or seven jury trials, the majority of them felony criminal drug cases. The Dubois Superior Court is a high volume court with, at the time, approximately 1,200 felony and misdemeanor filings, over 3,000 small claims filings, and approximately 250 other civil filings annually. I also did a considerable amount of special judge work in civil, criminal, and juvenile cases in ten other counties in southwestern Indiana.

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

1. In the Indiana Court of Appeals, Ankeny vs. Governor of the State of Indiana, 916 N.E.2d. 678 (Ind. Ct. App. 2009), trans. denied. I authored this unanimous opinion which was significant as it involved a challenge to the Governor's authority to certify the electors who cast the State of Indiana's votes in the Electoral College for Barack Obama without first determining Obama's eligibility to become President. This case involved an analysis of provisions of the U.S. Constitution, U.S. Supreme Court case law, and Indiana's election statutes, along with an analysis of "natural born citizenship."

2. In the Indiana Court of Appeals, In Re the Guardianship of Edwin T. French, Jr., No. 49A02-0908-CV-742 (Ind. Ct. App. June 10, 2010) not certified. I

authored this unanimous opinion which reversed the trial court's grant of a motion to dismiss. At issue was control of Monarch Beverage Company through gifted shares of stock by an alleged incompetent ward, since deceased, and the exertion of undue influence by the heir who received the shares. The case involved an analysis of Indiana's probate code, guardianship statutes and Indiana case law; of the distinction between derivative and direct claims; and of statutes of limitation and tolling provisions for legal disabilities.

3. In the Indiana Court of Appeals, Merchant v. State, 926 N.E.2d. 1058 (Ind. Ct. App. 2010) (trans. pending). I authored this unanimous opinion which involved a warrantless search of a vehicle and an analysis and distinction of the recent U.S. Supreme Court case of Arizona v. Gant, --- U.S. ---, 129 S. Ct. 1710 (2009), other U.S. Supreme Court case law, the Fourth Amendment, the Indiana Constitution, and Indiana case law.

4. In the Indiana Court of Appeals, Clarian Health Partners, Inc. v. Wagler, 925 N.E.2d. 388 (Ind. Ct. App. 2010) (trans. pending). I authored this unanimous opinion which reversed the trial court's denial of Clarian's summary judgment motion. The case involved an analysis of portions of Indiana's Medical Malpractice Act, Indiana case law on the Act, findings of the medical review panel, and resolution of the issue of whether a nurse could offer expert testimony as to causation.

5. In the United States District Court, Southern District of Indiana, Evansville Division, Allianz Underwriters Insurance Company as Subrogee of GE Plastics, Plaintiff, v. B & M Plastics, Inc., Linpac, Inc., United Fire Protection, Inc., and Arc Construction Co., Inc., Third Party Plaintiffs, v. Arc Mechanical, Inc., Acura Engineering, Inc., and Mel-Kay Electric Co., Inc., Third Party Defendants; B & M Plastics, Inc., Cross-Claim Plaintiff v. Linpac, Inc., Acura Engineering, Inc., United Fire Protection, Inc., and Arc Construction Co., Inc., Cross-Claim Defendants. No. EV 00-200-C-Y/H

Brief in Support of Motion for Judgment on the Pleadings as to Count III of the Amended Cross-Claim of B & M Plastics, Inc. against United Fire Protection, Inc., filed on or about August 27, 2001.

I handled this case in private practice. It was significant in terms of its complexity, the complexity of a companion case, and the dollars at stake in both. My client had installed the water sprinkler system in a huge warehouse in Mt. Vernon, Indiana. The warehouse burned to the ground in a fire in which tens of millions of dollars worth of equipment and stored plastics were destroyed. The sprinkler system clearly malfunctioned. My client had one million dollars in insurance coverage. I was successful in settling the cases extremely favorably for my client and for the insurance company that hired me.

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

Indiana Court of Appeals Case Management Policy 6.22 amended October 2008, and December, 2008. This policy addresses the use of initials in place of names in certain cases and references Administrative Rule 9 (G)(4)(d).

LR 19-AROO-6      Schedule of Fees for Court Alcohol and Drug Program Services effective April 1, 2007. This rule was established in conjunction with the creation of the Dubois Superior Court Alcohol and Drug Program which I created in 2007 to address the ever-increasing caseload of alcohol and other drug cases filed in my court and the accompanying need for assessment, education, referral, and case management services.

LR 19-TR 79(H)-1      Appointment of Special Judge in Civil Cases. This rule was adopted in 2006 to set forth the procedure for appointment of special judges in civil cases in which the appointment of a panel of special judges and the resulting striking process did not result in the remaining special judge's agreement to assume jurisdiction, and was in accordance with Indiana Trial Rule 79(H).

LR 19-CR 2.2-2      Assignment of cases effective July 1, 1995. This rule was drafted in accordance with the Indiana Supreme Court mandate to avoid "judge shopping" and to definitively assign categories of criminal case filings to respective courts.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

None

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

Please see writings attached as Exhibit C.

E. Describe the nature and extent of any *pro bono* legal services you have contributed.



As a solo practitioner from July, 2002 until December, 2004, I advised approximately 175 individuals free of charge through no-cost initial consultations which many times answered their questions and helped resolve legal issues, including child support, parenting time, contract, and business issues.

In private practice I also served as pauper counsel on request of the Circuit Court Judge.

As a trial court judge I inquired at every initial hearing in criminal cases of the need to appoint pauper counsel to financially challenged defendants and appointed counsel in approximately 65% of all criminal cases.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

1. Determining which of those cases assigned to me on the Court of Appeals are most significant is daunting at best as all cases that come to the Court are significant, particularly to those parties involved in the appeal. However I found particularly significant a case involving a termination of a mother's parental rights with her consent, but on the condition that she could continue visitation with her children post-adoption. I authored this unanimous opinion which held that the addendum the mother attached to her voluntary consent was invalid as a matter of law given the unambiguous language of the statute in question regarding termination of parental rights, coupled with Indiana's strong public policy to protect the emotional well-being of children whose parents have been either unable or unwilling to provide for their children's needs over a prolonged period of time. On transfer, the Supreme Court agreed that mother's addendum impermissibly overrode the authority of an adoption court and that the voluntary termination of parental rights may not be conditioned upon post-adoption contact privileges and was invalid as a matter of law. The Court did remand to the trial court with instructions that mother be afforded notice and a hearing given the language of the addendum, as mother's rights to visitation were terminated without a judicial determination that visitation was no longer in the children's best interests.

2. Another case of significance assigned to me as a panel member on the Court of Appeals involved an emergency petition filed by the Marion County Election Board requesting a stay of the Marion Circuit Court's order granting a temporary restraining order and preliminary injunction regarding election day procedures for dealing with challenges to absentee ballots. The panel was assembled on the Friday evening before election day. The majority determined the stay should be granted; I filed a dissent. The Supreme Court immediately took the case and vacated the majority opinion, agreeing that the stay should not be granted.

3. A case decided by the Indiana Supreme Court on September 26, 2007, entitled Clark County Council v. Donahue, 873 N.E.2d 1038 (Ind. 2007), reh'g denied, affirmed my decision and was significant to all courts in Indiana as it determined the respective roles of county councils and trial courts in the appropriation and spending of probation users' fees collected from persons placed on probation. I was on the trial bench at the time and was the special judge appointed by the Supreme Court to hear and determine the underlying consolidated declaratory judgment and mandate actions. The decision gave clarification and direction to all judges and county fiscal bodies in the state, holding that the fees collected could be used only to supplement probation services and probation officer salaries, but that the money must be appropriated and the county fiscal body determines how much will be appropriated and how the money will be spent within the statutory parameters.

4. I was appointed Special Judge in State of Indiana v Bradley J. Catt, 42D01-9610-CF-048 and 42D01-9703-CF-005, involving felony charges brought against the Knox County Prosecutor. Mr. Catt pled guilty to forgery and theft charges. Presiding over these cases involving a fellow member of the bar and an elected public official was particularly troubling because of the breach of trust by Mr. Catt and the devastating financial damage done by him to his former clients. The case received substantial media coverage given the identity of the defendant and the hundreds of thousands of dollars involved, and was significant in its underscoring of the absolute need for integrity and honesty in dealing with client funds. The lengthy prison sentence I imposed was intended to send a clear message of this need and was affirmed on appeal in Catt v. State 749 N.E.2d 633 (Ind. Ct. App. 2001), reg'h denied, trans. denied.

5. In the practice of law I represented a young father, a factory worker with few assets, in gaining primary physical custody of his four-year-old daughter in a lengthy, embattled custody dispute. The case was entitled In Re the Marriage of Harold Gene Chumbley, Jr. and Kristy D. Chumbley, Cause Number 19D01-0108-DR-0111. The case was significant to me because obtaining custody meant everything to this young father who desperately wanted to raise his daughter in the stable, loving environment he knew he could provide and which the child's mother could not or would not provide. When the decision granting him custody was made by the trial court, the father's emotional reaction was particularly gratifying.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

William E. Weikert: Judge, Dubois Circuit Court (former Prosecutor)  
One Courthouse Square

Jasper, Indiana 47546-3088  
Telephone: 812-481-7020

Scott Blazey: Attorney At Law  
418 S. Main Street  
P.O. Box 797  
Jasper, Indiana 47547-0767  
Telephone: 812-482-6414

John Werner: Attorney At Law  
644 12<sup>th</sup> Street  
P.O. Box 547  
Tell City, Indiana 47586-0547  
Telephone: 812-547-7066

- VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

As a judge on the Indiana Court of Appeals I have participated in 13 traveling oral arguments at venues throughout the state to help educate the public on the work of the Court. These “road shows” involve a great deal of time and preparation but are an effective and much appreciated way of reaching out to our citizenry and to show firsthand the work of the appellate court. They are especially valuable in educating high school and college students about the appellate process.

In 2010 I presented at the Indianapolis Bar Association Bench Bar Conference on Findings of Fact and Conclusions of Law. I also served as a judge for the Indiana University School of Law – Indianapolis National Trial Competition. I was a table leader for the 2010 Evening With the Appellate Judges, an annual meeting in which members of the appellate bench meet with the appellate bar and exchange ideas on how we each may improve on the work that we do. It is also a mentoring opportunity where the younger members of the bar learn appellate practice tips from the judges and more experienced practitioners.

I will be on a panel of appellate judges presenting at an Indiana State Bar Association Appellate Section seminar on diversity in October, 2010. I am also scheduled to attend the National Foundation of Judicial Excellence Symposium on the Law of Nuisance in July, 2010, the National Judicial College on Dispute Resolution Skills in October, 2010, and the American Bar Association Appellate Judges Education Institute in November, 2010. The latter is an annual three to four-day seminar which brings together appellate judges from state and federal courts throughout the nation to learn about and discuss significant legal issues.



In 2009 I became a Fellow of the American Bar Foundation which is a leading research institute for the empirical study of law. I was on the faculty of an ICLEF/ISBA Appellate Practice Section seminar called Appellate Skills Institute and served as a judge for the Wabash College Moot Court Competition. I was the Court of Appeals representative at a three-day Juvenile Justice Symposium in Austin, Texas where judges and administrators involved in juvenile justice systems from across the country came together to discuss ways to improve the delivery of services to families and the administration of juvenile courts. I was a table leader at the annual Evening With the Appellate Judges. I was the guest speaker at Warrick County's Drug Court graduation ceremony. I attended the two-day National Foundation for Judicial Excellence Symposium in Chicago and the American Bar Association Appellate Judges Education Institute, as well as conferences sponsored by the Indiana Judicial Center.

In 2008-2009 I was a Benchler for the Sagamore Inn of Court in Indianapolis, which Inn is a member of the National Inns of Court, an organization devoted to the continuing education of lawyers and judges. The Sagamore Inn meets nine evenings per year for educational programs. Significant aspects of the program are the mentoring opportunities by the judges and more experienced lawyers for the younger lawyers in the group, the promotion of civility among the bar, and the advancement of ethical considerations in the practice of law.

In 2008 I presented at a two-day Advanced Family Law Seminar on recent Indiana case law. I was also a featured speaker at an Indiana Trial Lawyers Association seminar for Indiana women trial lawyers on the female perspective in the legal profession and a view from the bench. I spoke to the Richard G. Lugar Excellence in Public Service Series on my role as an appellate judge. I also attended the American Bar Association Appellate Judges Education Institute.

From 2008 to present I have served on the Alternative Dispute Resolution Committee of the Indiana Judicial Conference. In 2008, I was also appointed to the Improvements in the Judicial System Committee of the Indiana State Bar Association and to the Attorney Fee Dispute Resolution Committee of the Indiana State Bar Association.

In 2007 I created the Dubois Superior Court Alcohol and Drug Program which assessed and referred for treatment most defendants convicted of crimes involving substance abuse. I administered this program throughout the rest of my term as Judge of the Dubois Superior Court.

From 2006 to 2008 I served on the Appointed Judicial Officer Task Force which revised the Appointed Judicial Officers Deskbook which provides

guidance to judges regarding appointed judicial officers including commissioners, referees, magistrates, temporary judges, and judges pro tempore.

In 2005 I created the Dubois County Drug Court, an eighteen-month program of intensive treatment and supervision for alcoholics and other drug addicts. I presided as judge of the Court and administered the program, presiding over weekly meetings with a ten-member Drug Court team. The program produced remarkable results in those people who successfully completed it. I believe strongly in Drug Courts as they are a highly cost-effective alternative to incarceration with very successful track records at reducing recidivism.

In 2002 I was a finalist for an assistant U.S. Attorney position in Evansville.

I served on an ICLEF panel with two other judges in Evansville in December, 1998. The subject matter involved mental health and related discovery issues in various kinds of civil and criminal hearings.

In 1998 I established the County's first Day Reporting Program which provided a sentencing alternative for those offenders in need of structure and supervision but not necessarily the overnight confinement of Work Release.

From 1994 through 1998 I was a Leader in the Brooks Inn of Court in Evansville, Indiana, also a member of the National Inns of Court, and participated in and presented legal education programs for CLE credit.

In 1991 established and served as President of Dubois County's Community Corrections Advisory Board and set up the county's first Work Release Program which gave the Dubois County courts a viable sentencing option and kept criminal defendants employed. The Board consisted of various community and county leaders, as mandated by statute. The Board has continued existence today and oversees Dubois County's entire community corrections system.

From 1987 to 1992 I served on the Judicial Administration Committee of the Indiana Judicial Conference which spearheaded the implementation of Indiana's new Child Support Guidelines, among other projects.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

I created an on-site drug and alcohol treatment program and brought in AA meetings to the Dubois County Security Center during my first term as a Judge. I also gave talks at all county middle schools and high schools

regarding the workings of the court system, focusing largely on driving, alcohol, and other drug offenses.

In 2009 I served on a panel on the increasing problem of methamphetamine manufacturing, dealing, and use at a forum conducted at Memorial Hospital in Jasper for health care professionals.

I have been a guest speaker on Dubois County radio talk shows many times over the years regarding various social and legal issues including substance abuse and domestic violence.

I have given numerous speeches over the years on a variety of civic and legal issues to students, teachers, veterans groups, clubs and organizations in Dubois and surrounding counties. In 2008 I was the featured speaker for a "Profiles in Success" program sponsored by the Ferdinand Optimists and Kiwanis Clubs. The program involved speaking to these groups on my work as an appellate judge, as well as a student body presentation to Forest Park High School juniors and seniors followed by small group discussions on the law and my work as a judge.

During my first term on the bench I organized a county-wide forum to address shoplifting and check deception offenses. I also initiated, organized, and directed a county-wide substance abuse forum which brought together health care professionals, law enforcement, other service providers, and members of the public to discuss remedies for the growing problem of alcohol abuse and other drug addictions.

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

From 2006 until May, 2008 I served as President of the Dubois County Substance Abuse Council, a local coordinating council of the Governor's Commission for a Drug-Free Indiana which distributes the fees assessed and collected for drug convictions to groups and entities involved in drug prevention, education, and treatment, and in law enforcement. I was a member of the Executive Board of the Council from its inception in 1991 through 1998.

From 1999 to 2003 I served on the North High School PTSA (Parent Teacher Student Association) Advisory Board in Evansville, Indiana. The Board was responsible for all PTSA functions at North High School including programs honoring students, recognizing teachers, and promoting positive interaction among parents, teachers and students.

In 2000 I was a Vanderburgh County Representative for Senator Lugar's 2000 Campaign.

I established and served on the Dubois County Community Corrections Advisory Board from its inception in 1991 to the end of my second term as judge in 1998 and for all of my third term from January, 2005 to May, 2008. This Board oversees the County's work release, day reporting, community service, juvenile road crew, and community transition programs.

In response to an alarming increase in suicides, in 1997 and 1998 I served on the Dubois County Reach-Out Committee which focused on suicide prevention efforts, particularly in schools.

From 1987 to 1992 I was President of the Dubois County Alcohol and Drug Services Program which assessed and referred persons convicted of alcohol and drug offenses to outside treatment sources. I administered this program and was responsible for its operation.

From 1986 to 1987 I served on the Dubois County Jail Advisory Board which planned the construction of the new Dubois County Security Center.

Over the years I have helped with a Habitat For Humanity build, with fundraising for Ivy Tech Community College and for the Muscular Dystrophy Association, and participated in walks to benefit persons with multiple sclerosis, breast cancer, and downs syndrome.

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

From 1993 to 1998 I served on the Board of Governors of the Richard G. Lugar Excellence in Public Service Series, a nine-month statewide leadership program for Republican Women committed to public service. I completed the Series in 1993 and was then extended an invitation to serve on the Board.

From 1991 through 1993 I served on the Board of Directors of the Indiana Judicial Conference which oversees the activities of the Indiana Judicial Center. The Center provides education and research support services for judges and probation officers throughout the State.

From 1990 through 1992 I served on the Board of Managers of the Indiana Judges Association which serves to advance the interests and the improvement of Indiana's judiciary.

From 1987 through 1998 I was a member of the Indiana Supreme Court Character and Fitness Committee which evaluates the moral fitness of individuals applying for admission to the practice of law in Indiana. In that capacity I interviewed bar applicants from Dubois County and made findings and recommendations to the Indiana State Board of Law Examiners.

I served as Secretary of the Dubois County Bar Association in 1983, as Vice-President in 1984 and as President in 1985. The Bar Association promotes amicability and civility among its members and among members of neighboring bar associations.

I hold or have held memberships in the following professional associations:

American Judicature Society  
American Inns of Court  
American Trial Lawyers Association  
American Bar Association, Appellate Practice, Litigation Sections  
American Judges Association  
National Association of Women Judges  
Indiana Judges Association  
Indiana Council of Juvenile and Family Court Judges  
Indiana Trial Lawyers Association  
Indiana State Bar Association, Appellate Practice, Litigation Sections  
Indianapolis Bar Association  
Dubois County Bar Association  
Evansville Bar Association, Family Law Study Committee

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

Past and present memberships include the American Legion Auxiliary, Dubois County Business and Professional Women, Dubois County Panhellenic Association, Evansville YWCA, Evansville Museum, Reitz Home Preservation Society, Ferdinand Jayettes, Ferdinand Community Center, Dubois County Museum, Restore Old Jasper Action Committee, and The St. Thomas More Society.

I have never held membership in any organization which has race, sex, religion or national origin restrictions.

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

From 1983 to 1986 I taught evening classes in civil and criminal law to students majoring in criminal justice at Vincennes University Jasper Center.

I have applied to teach an evening course, Trial Advocacy, at Indiana University-Maurer School of Law in Bloomington. This is a popular course which I hope to be teaching soon. I am advised that there may be an opening to teach the course in spring semester, 2011.

G. Describe your hobbies and other leisure activities.

I enjoy physical exercise and do daily strength training; do hot yoga one to two hours weekly; walk two to three hours weekly; do all of my own yard work; and work out to fitness DVDs and on my cross-trainer. I spend as much time as I can with my children, \_\_\_\_\_, 25, married and an elementary teacher and expecting my first grandchild in August; and \_\_\_\_\_, 22, who will begin attending the Indiana University School of Medicine in August. During the school year, I volunteer at least three times monthly in \_\_\_\_\_'s elementary classroom and also enjoy reading, writing, cooking, movies, boating, nature walks, hiking, biking, traveling, and working outdoors.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

Honorable Nancy Vaidik  
Judge, Indiana Court of Appeals  
Statehouse, Room 409  
Indianapolis, IN 46204  
Telephone: 317-234-0883

Honorable Michael Barnes  
Judge, Indiana Court of Appeals  
115 W. Washington Street, Suite 1270  
Indianapolis, IN 46204  
Telephone: 317-232-6888

Dan Glass, Attorney At Law  
Fine and Hatfield  
520 N. W. 2<sup>nd</sup> Street  
P.O. Box 779  
Evansville, IN 47705-0779  
Telephone: 812-425-3592

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.



Sue Anne Gilroy  
11010 Tenacious Drive  
Indianapolis, IN 46236  
Telephone: 317-823-4567 (H)  
317-338-7012 (O)  
Email: [sagilroy@stvincent.org](mailto:sagilroy@stvincent.org)

Sue Anne is a former Indiana Secretary of State, a founding member of the Richard G. Lugar Excellence in Public Service Series, a former Republican mayoral candidate for the City of Indianapolis, and is currently Vice President of Development and Director of St. Vincent's Foundation.

Don Hayes  
1563 Gregory Lane  
Jasper, IN 47546  
Telephone: 812-482-2847 (H)  
812-639-2603 (cell)  
Email: [donaldhayes@insightbb.com](mailto:donaldhayes@insightbb.com)

Don is the Dubois County Republican Party Chairman, a former administrator in the Greater Jasper Consolidated School Corporation, and a personal friend.

Doug Bawel  
President and CEO  
Jasper Engines and Transmissions  
815 Wernsing Road  
Jasper, IN 47546  
Telephone: 812-482-1041 (O)  
812-630-8700 (cell)  
Email: [dbawel@jasperengines.com](mailto:dbawel@jasperengines.com)

Doug is a personal friend and a prominent Jasper businessman.

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

Elaine Brown v. Bradley K. Windell, 74C01-0905-PL-0290, filed in May 2009 for breach of broker's fiduciary duty. Resolved by settlement agreement.

The National City Bank of Evansville as Personal Representative of the Estate of Michael F. Elliot, and Max D. Elliot, as Guardian of the Estate of Jack C. Elliot and Alex M. Elliot vs Elaine B. Brown, 82C01-0001-CP-00008, filed January, 2000; venued to Warrick County, 87D02-0008-CP-135, August, 2000. Suit was brought to determine the rightful owner of the proceeds of an

IRA, as I was the named beneficiary but was divorced from the decedent. Resolved by settlement agreement.

In Re: the Marriage of Michael F. Elliot and Elaine B. Elliot, 87D02-9805-DR-085, filed May, 1998. Dissolution of Marriage. Resolved by settlement agreement.

In Re: the Marriage of Elaine Brown and William Brown, 53D01-8811-DR-00814, filed November, 1988. Dissolution of Marriage. Resolved by settlement agreement.

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

None

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

None

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

None

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

None

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.



C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Yes.

6/29/10  
DATE

  
APPLICANT'S SIGNATURE

Elaine B. Brown  
PRINTED NAME

## WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

6/29/10  
DATE

  
APPLICANT'S SIGNATURE

Elaine B. Brown  
PRINTED NAME